

## **LAWSUIT REGARDING OSHA RULE LIMITING POST-ACCIDENT DRUG AND ALCOHOL TESTING**

ABC, TEXO and a coalition of stakeholders filed suit against the anti-retaliation provisions of OSHA's final rule on Tracking of Workplace Injuries and Illnesses on July 8. The suit challenges provisions that would limit post-accident drug testing and safety programs that contribute to construction jobsite safety. In addition, ABC filed an emergency motion for preliminary injunction on July 12 seeking to delay those provisions from implementation. *On July 13th OSHA announced it was delaying enforcement of the anti-retaliation provisions in the electronic injury reporting and anti-retaliation final rule until November 1, 2016.*

ABC issued a statement that it is "inconceivable to those of us who study how to improve safety performance that OSHA would want to limit drug and alcohol testing as part of the investigation after an accident or near-miss incident. Root cause analysis is key to developing procedures that prevent future incidents, so we need to know whether drugs or alcohol were a factor."

The suit was filed in the U.S. District Court for the Northern District of Texas. Additional plaintiffs include American Fuel & Petrochemical Manufacturers, Atlantic Precast Concrete Inc., Great American Insurance Company, National Association of Manufacturers, Owen Steel Company and Oxford Property Management LLC.